UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,384	10/31/2000	Victor B. Lortz	10559-299001	5608

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EXAMINER
BATES, KEVIN T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/704,384	LORTZ ET AL.
	Examiner	Art Unit	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 May 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,6,9,10,13,15-17,19-21 and 23-28* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 5-6, 9-10, 13, 15-17, 19-21, 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on May 24, 2006.

The Drawings and Amendment was received on June 7, 2006.

Claims 3-4, 7-8, 11-12, 14, 18, 22, and 29 have been cancelled.

Claim 30 has been withdrawn from consideration.

Claims 1, 5, 9, 13, 16, 17, 20, 21, and 25 have been amended.

Claims 1-2, 5-6, 9-10, 13, 15-17, 19-21, 23-28 are pending in this application.

Claim Objections

Claim 13 is objected to because of the following informalities: the word in is

misspelled in like 13 and in line 15 there is present "[[" it is unclear whether this is a

mistype or something in the claim was meant to be removed. Appropriate correction is

required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-6, 9-10, 13, 15-17, 19-21, 23-28 are rejected under 35 U.S.C.

103(a) as being unpatentable over Parnafes (6839766) in view of Kuznetsov

(6772413).

Regarding claims 1, 5, and 9, Parnafes discloses a method (Column 4, lines 26

– 27; lines 29 – 34), comprising:

receiving a specification for translating a network policy from a first schema to a

second, different schema (Column 8, lines 34 – 36; lines 44 – 49);

translating the network policy into the second different schema based on the

specification (Column 9, lines 11 – 26); and

configuring a network system based on the translated policy (Column 4, lines 33

– 34).

Parnafes does not explicitly indicate that both the network policy and the

specification are received at the client in a file.

Kuznetsov teaches a system of translating a file transmitted in a first network

device following a first data format and a network protocol to a second network device

following a second data format and a network protocol (Column 6, lines 54 – 66) that

includes a specification to help translate the data (Column 10, lines 55 – 65) and that

part of the system includes negotiating the parameters of the types of data formats that

the network devices support before the translating occurs (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Kuznetsov's teaching of a more generic transformation of

network formats and protocols to improve Parnafes's system for dealing with COPS

protocols configuring non-COPS network devices to enable Parnafes' more flexibility to

handle the further development of newer data formats and protocols and allow those

new formats to be integrated with the system as well.

Examiner takes Official Notice (see MPEP § 2144.03) that "an XML message and an XSL file can be sent together in one file". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Regarding claims 13, 17, and 21, Parnafes discloses a method (Column 4, lines 26 – 27; lines 29 – 34), comprising:

sending a network policy to a client computer;

said network policy being for configuring a network system according to a first schema (Column 6, lines 52 – 59);

said specification being for translating the network policy from the first schema to a second different schema (Column 8, lines 34 – 36; lines 44 – 49);

receiving an indication that the client computer cannot translate the network

policy (Column 8, lines 29 – 38);

translating the network policy into the second different schema based on the

specification in response to said receiving (Column 9, lines 11 – 26); and

after said translating, sending the translated network policy to a client computer

(Column 4, lines 33 – 34).

Parnafes does not explicitly indicate that both the network policy and the

specification are sent to the client in a file.

Kuznetsov teaches a system of translating a file transmitted in a first network

device following a first data format and a network protocol to a second network device

following a second data format and a network protocol (Column 6, lines 54 – 66) that

includes a specification to help translate the data (Column 10, lines 55 – 65) and that

part of the system includes negotiating the parameters of the types of data formats that

the network devices support before the translating occurs (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Kuznetsov's teaching of a more generic transformation of

network formats and protocols to improve Parnafes's system for dealing with COPS

protocols configuring non-COPS network devices to enable Parnafes' more flexibility to

handle the further development of newer data formats and protocols and allow those

new formats to be integrated with the system as well.

Regarding claim 25, Parnafes discloses a method of configuring a network

(Column 4, lines 26 – 27; lines 29 – 34) comprising:

transmitting a network policy according to a first schema and a specification for

translating the network policy from the first schema to a second different schema from a

server;

receiving the network policy and the specification on a first client computer

(Column 8, lines 34 – 36; lines 44 – 49);

translating on the client computer the network policy from the first schema to the

second different schema using the specification (Column 9, lines 11 – 26); and

configuring the network system on the first client computer using on the

translated network policy (Column 4, lines 33 – 34).

Parnafes does not explicitly indicate that both the network policy and the

specification are received at the client in a file.

Kuznetsov teaches a system of translating a file transmitted in a first network

device following a first data format and a network protocol to a second network device

following a second data format and a network protocol (Column 6, lines 54 – 66) that

includes a specification to help translate the data (Column 10, lines 55 – 65) and that

part of the system includes negotiating the parameters of the types of data formats that

the network devices support before the translating occurs (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Kuznetsov's teaching of a more generic transformation of

network formats and protocols to improve Parnafes's system for dealing with COPS

protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Examiner takes Official Notice (see MPEP § 2144.03) that "an XML message and an XSL file can be sent together in one file". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Regarding claim 26, Parnafes teaches the method of claim 25, further comprising: receiving the network policy on a second client computer and configuring the network system on the second client computer using on the network policy (Column 4, lines 33 – 34).

Regarding claim 27, Parnafes teaches the method of claim 25.

Parnafes does not explicitly indicate that prior to translating the network policy the steps of: sending the network policy to the client computer; sending the specification for translating the network policy to the client computer; and receiving an indication that the client computer cannot translate the network policy.

Kuznetsov teaches a system of translating a file transmitted in a first network device following a first data format and a network protocol to a second network device following a second data format and a network protocol (Column 6, lines 54 – 66) that includes a specification to help translate the data (Column 10, lines 55 – 65) and that part of the system includes negotiating the parameters of the types of data formats that the network devices support before the translating occurs (Column 11, lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kuznetsov's teaching of a more generic transformation of network formats and protocols to improve Parnafes's system for dealing with COPS protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Regarding claims 2, 6, 10, 15, 19, 23, and 28, Parnafes teaches the method of claims 1, 5, 9, 13, 17, 21, and 27.

Parnafes does not explicitly indicate that the network policy is represented in eXtensible Markup Language and the specification is represented in eXtensible Stylesheet Language.

Kuznetsov teaches a system of translating a file transmitted in a first network device following a first data format and a network protocol to a second network device following a second data format and a network protocol (Column 6, lines 54 – 66) that includes a specification to help translate the data (Column 10, lines 55 – 65). As part of Kuznetsov's teaching he includes that the data file can be XML and that the specification can be XSL (Column 14, lines 28 – 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kuznetsov's teaching of a more generic transformation of network formats and protocols to improve Parnafes's system for dealing with COPS protocols configuring non-COPS network devices to enable Parnafes' more flexibility to handle the further development of newer data formats and protocols and allow those new formats to be integrated with the system as well.

Regarding claims 16, 20, and 24, Parnafes in combination with Kuznetsov teaches the claims 3, 5, 9, 13, 17, 21, and 27, and that the specification (Kuznetsov, Column 11, lines 43 – 46) and network policy (Parnafes, Column 4, lines 26 – 27; lines 29 – 34) are received from the policy server and that network policy can be in XML data format and the specification can be in the format of XSL (Column 14, lines 28 – 33).

The combination of Parnafes and Kuznetsov does not explicitly indicate that the network policy and the specification are stored in one file.

Examiner takes Official Notice (see MPEP § 2144.03) that "an XML message and an XSL file can be sent together in one file". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if

applicant traverses such an assertion, the examiner should cite a reference in support

of his or her position". However, MPEP § 2144.03 further states "See also In re Boon,

439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice

must contain adequate information or argument to create on its face a reasonable doubt

regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169

USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity

to challenge either the correctness of the fact asserted or the notoriety or repute of the

reference cited in support of the assertion. We did not mean to imply by this statement

that a bald challenge, with nothing more, would be all that was needed". Further note

that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a

traversal by the Applicant that is merely "a bald challenge, with nothing more" will be

given very little weight.

Response to Arguments

Applicant's arguments filed May 24, 2006 have been fully considered but they are

not persuasive.

The applicant argues that the combination of Parnafes in view of Kuznetsov does

not teach the specification and policy to be transmitted together to the client, because

Parnafes teaches the use of a mapping database, not just a specification. The

examiner disagrees, while Parnafes teaches a database that contains all the information

need to map the policy from a first scheme, COPS, to a second, Kuznetsov teaches a

mobile way of performing this same transformation, by using files to contain the

mapping as see in Column 10, lines 55 – 65, this part shows that there are specifications, much like Parnafes for mapping the changes from a first scheme to a second, but in Kuznetsov, these files are not limited to a server's database, they are mobile files which are transmitted to a client (Column 11, lines 43 – 46) so the idea of the mapping table is still in existence in Kuznetsov, they are just not limited to the table.

The applicant also argues that the combination of Parnafes in view of Kuznetsov does not teach transmitting a policy in XML since Kuznetsov does not disclose network policies. The examiner disagrees, Kuznetsov is improving they method of sending information, which can be any type of information in terms of having that information in a first scheme and it is translated into a second scheme, this is an improvement to any method of sending information to network nodes, while Parnafes is concerned with transmitting network policy, which is concerned about which scheme that policy is. The combination is just concerned with improving how Parnafes transmits the policy information, and in this terms in formatted XML messages.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Application/Control Number: 09/704,384   Page 12
Art Unit: 2155

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Bates whose telephone number is (571) 272-

3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 11, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER